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September 1, 1954

Richard C. Duncan, Esq.,
Assistant Attorney General

Attorney General

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Forest H. Bumford, Director,
Bureau of Occupational Health
17 School Street

SEP 22 1998

CONCORD, N.H.

Dear Sir:

You have inquired whether the rules and regulations issued by the State Board of Health pursuant to the authority contained in R.L. c. 165 s. 2 respecting the construction and sanitation of lumber camps apply to a camp of more than five men where each man reportedly does his own cooking. It is my opinion that the appropriate sections do apply.

The Board is given authority by the above mentioned section 2 to make such rules and regulations as in its judgment the public good requires. In the exercise of this judgment the Board has made the administrative decision that the "public good" requires the promulgation of rules governing the construction and sanitation of lumber camps. As part of its exercise of this general rule-making power, it has defined those lumber camps to which the "public good" requires that the rules and regulations shall apply. Regulation 1 defines a lumber camp, for the purposes as contained in the rules governing the construction and sanitation of lumber camps, as such housing and living accommodations as are provided for men engaged in logging and wood-cutting, which are occupied by five or more persons. The only exception provided is where the camp is constructed for emergency conditions and is not occupied longer than five days.

The fact that the men may do their own cooking is not an exception provided for by the rules, and would not lessen in any way the need for sanitary construction of the sleeping, washing and toilet quarters. The rules respecting cooks and food handlers are obviously inappropriate where each man does his own cooking, but the regulations respecting kitchens, food storage and garbage disposal would apply as the reasons for the need of regulations covering these are the same whether there is a camp cook or each man prepared his own individual food.

Very truly yours,

Richard C. Duncan
Assistant Attorney General

RCD:HP